

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 223

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO INDIAN CHILDREN; REQUIRING CONSIDERATION OF
CULTURAL NEEDS IN INDIAN CHILD PLACEMENT; AMENDING A SECTION OF
THE CHILDREN'S CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-18-4 NMSA 1978 (being Laws 1993,
Chapter 77, Section 227) is amended to read:

"32A-18-4. CULTURAL AWARENESS--CULTURALLY APPROPRIATE
PLACEMENTS.--

A. An Indian child placed in foster care, pre-
adoptive placement, adoptive placement or a secure facility
shall be allowed to maintain ~~[his]~~ the child's cultural ties
and shall be permitted to participate in activities that
strengthen cultural awareness.

B. An Indian child placed in a secure facility

1 shall be permitted to participate in activities that strengthen
2 cultural awareness. A representative of the child's culture
3 shall be allowed access to the secure facility to provide
4 activities that strengthen cultural awareness; provided that
5 the activities are restricted to the premises of the secure
6 facility.

7 C. Upon determining that a placement out of the
8 home is medically necessary for an Indian child, the
9 interagency behavioral health purchasing collaborative and its
10 contractors shall make reasonable efforts to place the child
11 with a licensed residential treatment center, group home or
12 treatment foster care home that provides culturally competent
13 care and access to appropriate cultural practices, including
14 traditional treatment, as determined in consultation with the
15 child's tribe."